



# Human Fertilisation and Embryology Act 1990

## CHAPTER 37

### HUMAN FERTILISATION AND EMBRYOLOGY ACT 1990

#### *Principal terms used*

- 1 Meaning of “embryo”, “gamete” and associated expressions.
- 1A Reference to Directives In this Act— “ the first Directive...
- 2 Other terms.
- 2A Third party agreements (1) For the purposes of this Act,...

#### *Activities governed by the Act*

- 3 Prohibitions in connection with embryos.
- 3A Prohibition in connection with germ cells.
- 4 Prohibitions in connection with gametes.

#### *The Human Fertilisation and Embryology Authority, its functions and procedure*

- 5 The Human Fertilisation and Embryology Authority.
- 6 Accounts and audit.
- 7 Reports to Secretary of State.
- 8 General functions of the Authority.
- 8A Duty of Authority to communicate with competent authorities of other EEA states
- 8B Agency arrangements and provision of services
- 8C Contracting out functions of Authority
- 8D Disclosure of information where functions of Authority exercised by others
- 9 Licence committees and other committees.
- 10 Licensing procedure.

*Status: Point in time view as at 06/04/2009.*

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### *Scope of licences*

- 11 Licences for treatment, storage and research.

### *Licence conditions*

- 12 General conditions.  
13 Conditions of licences for treatment.  
13A Conditions of licences for non-medical fertility services  
14 Conditions of storage licences.  
14A Conditions of licences: human application (1) This section applies to  
—...  
15 Conditions of research licences.  
15A Duties of the Authority in relation to serious adverse events...

### *Grant, revocation and suspension of licences*

- 16 Grant of licence.  
17 The person responsible.  
18 Revocation and variation of licence.  
19 Procedure in relation to licensing decisions  
19A Notification of licensing decisions  
19B Applications under this Act  
20 Right to reconsideration of licensing decisions  
20A Appeals committee  
20B Procedure on reconsideration  
21 Appeal on a point of law  
22 Temporary suspension of licence.

### *Directions and guidance*

- 23 Directions: general.  
24 Directions as to particular matters.  
25 Code of practice.  
26 Procedure for approval of code.

### *Status*

- 27 Meaning of “mother”.  
28 Meaning of “father”.  
29 Effect of sections 27 and 28.  
30 Parental orders in favour of gamete donors.

### *Information*

- 31 Register of information  
31ZA Request for information as to genetic parentage etc.  
31ZB Request for information as to intended spouse etc.  
31ZC Power of Authority to inform donor of request for information  
31ZD Provision to donor of information about resulting children  
31ZE Provision of information about donor-conceived genetic siblings  
31ZF Power of Authority to keep voluntary contact register  
31ZG Financial assistance for person setting up or keeping voluntary contact register  
31A The Authority's register of licences (1) The Authority shall keep...

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- 31B The Authority's register of serious adverse events and serious adverse reactions
  - 32 Information to be provided to Registrar General.
- 33A Disclosure of information
- 33B Consent required to authorise certain disclosures
- 33C Power to provide for additional exceptions from section 33A(1)
- 33D Disclosure for the purposes of medical or other research
  - 34 Disclosure in interests of justice.
  - 35 Disclosure in interests of justice: congenital disabilities, etc.

#### *Surrogacy*

- 36 Amendment of Surrogacy Arrangements Act 1985.

#### *Abortion*

- 37 Amendment of law relating to termination of pregnancy.

#### *Conscientious objection*

- 38 Conscientious objection.

#### *Enforcement*

- 39 Powers of members and employees of Authority.
- 40 Power to enter premises.

#### *Offences*

- 41 Offences.
- 42 Consent to prosecution.

#### *Miscellaneous and General*

- 43 Keeping and examining gametes and embryos in connection with crime, etc.
- 44 Civil liability to child with disability.
- 45 Regulations.
- 46 Notices.
- 47 Index.
- 48 Northern Ireland.
- 49 Short title, commencement, etc.

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## SCHEDULES

### SCHEDULE 1 — The Authority: Supplementary Provisions

#### *Status and capacity*

- 1 The Authority shall not be regarded as the servant or...
- 2 The Authority shall have power to do anything which is...

#### *Expenses*

- 3 The Secretary of State may, with the consent of the...

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### *Appointment of members*

- 4 (1) All the members of the Authority (including the chairman...

### *Tenure of office*

- 5 (1) Subject to the following provisions of this paragraph, a...

### *Disqualification of members of Authority for House of Commons and Northern Ireland Assembly*

- 6 In Part II of Schedule 1 to the House of...

### *Remuneration and pensions of members*

- 7 (1) The Authority may— (a) pay to the chairman such...

### *Staff*

- 8 (1) The Authority may appoint such employees as it thinks...

### *Proceedings*

- 9 (1) The Authority may regulate its own proceedings, and make...

- 10 (1) A member of the Authority who is in any...

- 11 The validity of any proceedings of the Authority, or of...

### *Instruments*

- 12 The fixing of the seal of the Authority shall be...

- 13 A document purporting to be duly executed under the seal...

### *Investigation by Parliamentary Commissioner*

- 14 The Authority shall be subject to investigation by the Parliamentary...

### *Application of Statutory Instruments Act 1946*

- 15 The Statutory Instruments Act 1946 applies to any power to...

## SCHEDULE 2 — Activities for which licences may be granted

### *Licences for treatment*

- 1 (1) A licence under this paragraph may authorise any of...

### *Licences for non-medical fertility services*

- 1A (1) A licence under this paragraph may authorise any of...

### *Licences for storage*

- 2 (1) A licence under this paragraph or paragraph 1 or...

### *Licences for research*

- 3 (1) A licence under this paragraph may authorise any of...

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### *General*

- 4 (1) A licence under this Schedule can only authorise activities...

### SCHEDULE 3 — Consents to use of gametes or embryos

#### *Consent*

- 1 A consent under this Schedule must be given in writing...
- 2 (1) A consent to the use of any embryo must...

#### *Procedure for giving consent*

- 3 (1) Before a person gives consent under this Schedule—

#### *Variation and withdrawal of consent*

- 4 (1) The terms of any consent under this Schedule may...

#### *Use of gametes for treatment of others*

- 5 (1) A person's gametes must not be used for the...

#### *In vitro fertilisation and subsequent use of embryo*

- 6 (1) A person's gametes must not be used to bring...

#### *Embryos obtained by lavage, etc.*

- 7 (1) An embryo taken from a woman must not be...

#### *Storage of gametes and embryos*

- 8 (1) A person's gametes must not be kept in storage...

### SCHEDULE 3ZA — CIRCUMSTANCES IN WHICH OFFER OF COUNSELLING REQUIRED AS CONDITION OF LICENCE FOR TREATMENT

#### Part 1 — KINDS OF TREATMENT IN RELATION TO WHICH COUNSELLING MUST BE OFFERED

- 1 The treatment services involve the use of the gametes of...
- 2 The treatment services involve the use of any embryo the...
- 3 The treatment services involve the use of an embryo taken...

#### Part 2 — EVENTS IN CONNECTION WITH WHICH COUNSELLING MUST BE OFFERED

- 4 A man gives the person responsible a notice under paragraph...
- 5 The woman for whom the treatment services are provided gives...
- 6 A woman gives the person responsible notice under paragraph (a)...
- 7 The woman for whom the treatment services are provided gives...

### SCHEDULE 3A — SUPPLEMENTARY LICENCE CONDITIONS: HUMAN APPLICATION

#### *Traceability and coding system*

- 1 Licence conditions shall require that all persons to whom a...

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- 2 Licence conditions imposed in accordance with paragraph 1 may specify...

*Serious adverse events and serious adverse reactions*

- 3 Licence conditions shall require such— (a) systems to report, investigate,...

*Third party agreements and termination of licensed activities*

- 4 For the purpose of securing compliance with the requirements of...

*Requirements for procurement of gametes and embryos*

- 5 Licence conditions shall require all persons to whom a licence...

*Selection criteria and laboratory tests required for donors of reproductive cells*

- 6 In relation to partner-donated sperm which is not intended to...  
7 In relation to donations of gametes or embryos other than...  
8 Licence conditions shall require that the laboratory tests required by...

*Donation and procurement procedures and reception at the tissue establishment*

- 9 In relation to— (a) donation and procurement procedures, and

*Requirements for holding a licence under paragraph 1, 1A or 2 of Schedule 2*

- 10 Licence conditions shall require compliance with the requirements laid down...

*Requirements for holding a licence for gametes and embryo preparation processes*

- 11 In respect of gametes and embryos preparation processes, licence conditions...

*Interpretation of this Schedule*

- 12 In this Schedule, “ partner-created embryos ” means embryos created...

#### SCHEDULE 4 — Minor and Consequential Amendments

*Family Law Reform Act 1969 (c. 46. )*

- 1 In section 25 of the Family Law Reform Act 1969...

*Social Security Act 1975 (c. 14. )*

- 2 Minor and Consequential Amendments

*Social Security (Northern Ireland) Act 1975 (c. 15. )*

- 3 Minor and Consequential Amendments

*Adoption Act 1976 (c. 36. )*

- 4 Minor and Consequential Amendments

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*Family Law Reform (Northern Ireland) Order 1977 (S. I. 1977/1250 (N. I. 17))*

5 In Article 13 of the Family Law Reform (Northern Ireland)...

*Adoption (Scotland) Act 1978 (c. 28. )*

6 In section 15 of the Adoption (Scotland) Act 1978 (adoption...

*Adoption (Northern Ireland) Order 1987 (S. I. 1987/2203 (N. I. 22))*

7 In Article 15 of the Adoption (Northern Ireland) Order 1987...

*Human Organ Transplants Act 1989 (c. 31. )*

8 Minor and Consequential Amendments

*Human Organ Transplants (Northern Ireland) Order 1989 (S.I. 1989/2408 (N.I. 21))*

9 Minor and Consequential Amendments

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